

Chadds Ford Township Board of Supervisors Meeting  
October 1, 2003  
M I N U T E S

OFFICIALS PRESENT: James E. Shipley, Chairman  
Deborah Love D'Elia, Vice Chairman  
George M. Thorpe, Member  
Hugh A. Donaghue, Esquire, Township Solicitor  
James C. Kelly, Township Engineer  
Richard J. Jensen, Building Inspector, CEO  
Maryann D. Furlong, Secretary/Treasurer

**CALL TO ORDER**

Mr. Shipley called the meeting to order at 7:30 PM. Those present gave the Pledge of Allegiance.

**PUBLIC COMMENT – CHADDS FORD RESIDENTS**

Mr. Shipley reviewed the past few weeks of weather related problems and gave special recognition to Building Inspector/Code Enforcement Officer Richard J. Jensen for his many hours of service and efforts in trying to prevent damage to Township property. Ms. Love D'Elia read and then presented a certificate of appreciation for selfless devotion and dedication to the Chadds Ford community. Phil Wenrich, President of the Civic Association, joined in thanking Mr. Jensen for his efforts. Mr. Shipley also acknowledged Maryann Furlong, Township Secretary, for precautions taken to protect the Township's records and further thanked the Pennsylvania State Police and PennDOT for all their efforts on behalf of the Township.

On the Toll Brothers issue, Mr. Shipley stated that the Township was exactly where it had been last month, thus proposed meetings have been moved back one month. Toll Brothers was not prepared to make a public presentation at the current time, although the Township was ready to present its position. Mr. Donaghue reported that Mr. Colagreco, legal counsel for Toll Brothers, had been in touch with him regarding the delay. On the same issue, Mr. Kliman questioned if the Township had requested Toll Brothers to provide a non-cookie cutter, site sensitive variable lot size plan that is in compliance with Township ordinances. Mr. Shipley replied that the Township had made that request.

**STATE POLICE REPORT**

A report was not available.

**RE-APPROVAL OF MINUTES – August 6, 2003**

Subsequent to the last Board of Supervisor's meeting, the minutes of the August 6, 2003 meeting had been revised to include several minor changes suggested by Mr. Shipley.

*MOTION TO RE-APPROVE MINUTES OF AUGUST 6, 2003*

Upon motion and second (D'Elia, Thorpe) the Board of Supervisors re-approved the minutes of the August 6, 2003 meeting, draft dated 9/9/03, which included revisions by Mr. Shipley.

### **APPROVAL OF MINUTES – September 8, 2003**

Mr. Thorpe had not had adequate time to review the minutes of September 8<sup>th</sup>, thus the Board agreed to postpone approval until next month.

### **REPORTS**

#### **SUPERVISORS' REPORT**

Mr. Thorpe reported that he and Ms. Love D'Elia had attended a meeting at the Pennsbury Municipal Building on Thursday, 19<sup>th</sup> with representatives from Pennsbury Township, PennDOT and State Police from both Chester and Delaware Counties, in anticipation of weather related problems from Hurricane Isabel. Message board signs had been rented and placed at prime locations to notify of road closings. Although the

signs did not have to be used, the process had gone smoothly, with several more refinements to be made for the future.

Ms. Love D'Elia had met with representatives of the Board of Supervisors of Concord Township relative to the development of ground at the corner of Ridge Road and Route 202. Concord officials had promised to keep Chadds Ford informed as to future plans. Officials from both Townships favor the widening of the intersection. Mr. Kelly, also present at the meeting, stated that the developer will keep him informed as to the comprehensive sewage plan for that area. A shopping center, almost equal to the size of the Concord Township portion of Glen Eagle Shopping Center, has been proposed.

#### **TREASURER'S REPORT**

Mrs. Furlong reported the following balances as of August 31, 2003:

Total all funds:	\$ 841,766.34
Total all deposits to General Fund:	\$ 49,290.50
Total disbursements General Fund:	\$ 44,168.58
Total disbursement Escrow Fund:	\$ 24,590.87

Mrs. Love D'Elia stated that a \$1225 invoice from Elko and Associates received in August had been reduced to \$725, representing the billable portion of the invoice. The \$725 charge is included in the Disbursement Report for approval tonight.

#### ***MOTION TO APPROVE TREASURER'S REPORT***

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors voted to approve the Treasurer's Report for September, 2003, and authorized the payment of bills in the amount of \$56,510.72, as listed in the Disbursement Report dated October 1, 2003.

#### **AUDITOR FOR 2003**

Ms. Love D'Elia reported that members of the Financial Advisory Board throughout

the summer had been considering several firms to replace current Township auditor Elko and Associates, who will no longer perform municipal audits. After receiving several bids, telephone interviews had been conducted with FAB's final recommendation being the firm of Merves, Amon and Barsz. Qualifying items included the fact that actual CPAs will perform the audit, not interns; the firm will review account statements during the actual audit year and offer suggestions to facilitate the upcoming audit. Ms. Love D'Elia also asked and Mr. Barsz had agreed that the original bid be lowered to \$6,000, not to exceed \$9,000, with no additional fees being charged for work performed during the 2003.

#### *MOTION TO APPOINT AUDITOR*

Upon motion and second (D'Elia, Thorpe), the Board of Supervisors voted to appoint the firm of Merves, Amon, Barsz, Certified Public Accountants, to perform the 2003 audit, with the fee to start at \$6,000 but not to exceed \$9,000, pursuant to the engagement letter dated September 3, 2003.

#### *ROADMASTER REPORT*

Mr. Shipley led the audience in a round of applause in appreciation for the outstanding job Mr. Prabel continues to perform. Mr. Prabel presented the Roadmaster's report for the month of September, 2003, a copy of which is attached hereto.

Mr. Prabel replied to a question from a resident of Longview Road that a container of cinders will be made available this winter, as in past years.

Residents Ann Pounds, Carol Carter and Ed Wandersee discussed the timing cycle of the traffic light at Brandywine Drive, suggesting that it was too short. Mr. Kliman added that changes in cycling times have occurred at Route 1 and 202, with those times now being extended to about two minutes. Mr. Kelly stated that there is an effort underway to time signals along Route 1 and Route 202 in both Chadds Ford and Concord Township that will eventually lead to a large computerized loop through the area. Mr. Prabel will check with PennDOT regarding timing device options.

Mr. Prabel also discussed the issues leading to the determination not to install a speed bump on Heyburn Road, some of which were the inability to meet PennDOT regulations regarding sight distances and placement problems. Other alternatives will be investigated.

#### *PLANNING COMMISSION*

Mr. Taylor presented Planning Commission minutes for the meeting of Wednesday, September 24, 2003, a copy of which follows.

#### *ZONING HEARING BOARD*

Mr. Wandersee reported that there had been no applications, thus no meeting.

#### *HARB*

Mr. Jensen had no report.

#### *SEWER AUTHORITY*

Mr. Murray presented the Sewer Authority's report for September, 2003, a copy of

which is attached hereto.

Mr. Thorpe asked Mr. Murray what the cost had been for the extra work performed on Ridge Road. Mr. Murray replied that the cost was \$30,000.

Mr. Shipley publicly acknowledged Senator Pileggi's assistance in securing for the Sewer Authority a \$15,000 reimbursement from PennDOT for work performed on the Ridge Road stormwater drain and stream headwall. Mr. Shipley also thanked Mr. Murray for his efforts as the driving force in obtaining that reimbursement.

#### **BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER**

Mr. Jensen reported on the number of permits that had been issued during the month of September, 2003. A written report reflecting same has been submitted.

#### **TOWNSHIP ENGINEER**

Mr. Kelly presented the Engineer's report dated October 1, 2003, a copy of which follows.

#### **OPEN SPACE COMMITTEE**

No report was available.

#### **TOWNSHIP PROPERTIES COMMITTEE**

Mr. Thorpe reported that one meeting had been held, at which time Kathy Wandersee had done an excellent job presenting information concerning the property at the corner of Bullock and Ring Roads known as Mother Archie's. Mrs. Wandersee will distribute packets of information for review. Work on that site is almost complete. The telephone company has agreed to landscape the area surrounding their equipment. Mr. Jensen added that some tree work will be done to permit more light for the new plantings that will be installed.

Mr. Milner is working on a cost estimate for the development of Turner's Mill into the new Township Hall. Mr. Thorpe stated that recent weather problems had made it all the more evident that it is necessary to relocate the Township offices.

#### **EMERGENCY MANAGEMENT COORDINATOR**

Mr. Shipley welcomed back Mr. Wenrich who was recovering from spinal surgery. Mr. Wenrich reported that two more emergency management meetings will be held this year, one by Delaware County Emergency Management and the other by FEMA. Mr. Wenrich will attend both on behalf of the Township.

#### **FIRE MARSHALL**

Mr. Thorpe is updating and organizing all the current information and will follow through with a proposal.

#### **FINANCIAL ADVISORY BOARD**

Ms. Love D'Elia stated that there had been no meeting during September and that she had previously reported on the appointment of a new auditing firm.

#### **OLD BUSINESS**

There was no old business for discussion.

## **NEW BUSINESS**

### **RESOLUTION 2003-27 – ROBBINS SUBDIVISION APPROVAL**

Kathleen Farrell, Esquire, representing Susan Robbins, briefly reviewed both former and current subdivision applications for the property at 95 Harvey Road. Last year, the applicant had sought and received approval of a subdivision plan, after which a purchaser had been obtained for Lot Two. During an inspection, the Township's Sewer Enforcement Officer had discovered that one property line ran through the drainage field for Lot Two. Mrs. Robbins had reapplied for subdivision, with the line in question being slightly skewed in order to resolve the problem. Net and gross acreage for both lots had not changed. Neither Mr. Donaghue nor Mr. Kelly had any objections to granting approval for the current request.

Mr. Thorpe asked that the correct address be added to the resolution, with 95 Harvey Road now changed to 300. Mr. Shipley authorized the Mrs. Furlong to insert the correct numbers in the Resolution.

### ***MOTION TO APPROVE RESOLUTION 2003-27 – ROBBINS PRELIMINARY/FINAL SUBDIVISION PLAN***

Upon motion and second (Thorpe, D'Elia) the Board of Supervisors approved Resolution 2003-27, the Preliminary/Final Subdivision plan of Susan Robbins, to include the new property line as shown on the plan dated 8/6/02, last revised 9/9/03.

### **RESOLUTION 2003-28 – OSBORNE/WARNER SUBDIVISION APPROVAL**

James E. Fritsch, PE, of Regester Associates, presented a minor subdivision plan for the former Warner property on Atwater Road. The plan proposes to divide the lot into two, with the present home being demolished and two new homes to be built. Outstanding issues are the NPDES Part II permit and a review by Delaware County Conservation District, both of which are underway.

Mr. Donaghue asked if the State Police have been notified of the demolition of the home since it was recently a possible crime scene. After discussion, it was agreed to add an amendment to the resolution whereby demolition of the house could occur only after receiving clearance by the Pennsylvania State Police and the Delaware County District Attorney's Office.

Mr. Thorpe questioned the necessity of approving plans that evening considering the issue Mr. Donaghue had raised, and also without benefit of a Developer's Agreement having been drafted and reviewed. Mr. Jensen replied that the normal course of events is to approve the plans, then go forward with drafting further documents. Mr. Shipley stated that there were no reasons to deny the request.

### ***MOTION TO APPROVE RESOLUTION 2003-28 – OSBORNE/WARNER PRELIMINARY/FINAL SUBDIVISION***

Upon motion and second (D'Elia, Thorpe) moved to approve Resolution 2003-28, the Osborne/Warner preliminary/final subdivision plan, subject to the five conditions as set forth therein, with any and all structures to remain intact and demolition of same subject to approval of the Delaware County District Attorney's Office and the Pennsylvania State

Police.

Signature of Resolution 2003-28 by the Supervisors was deferred pending revision by the Township Solicitor.

#### RAVEN'S CREST SEWER EXTENSION

Mr. Shipley noted that the Township Engineer, in conjunction with the Sewer Authority's engineer, is currently addressing questions from several residents. The topic will be placed on the November agenda.

#### AUTHORITY FOR SEWER AUTHORITY TO ACT AS THE TOWNSHIP'S AGENT

Although the issue had been discussed at the September Board of Supervisors meeting, a resolution had not been adopted.

#### *MOTION TO ADOPT RESOLUTION 2003-26 AUTHORIZING THE SEWER AUTHORITY TO ACT AS THE TOWNSHIP'S AGENT*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors unanimously approved Resolution 2003-26, authorizing the Chadds Ford Township Sewer Authority to act as an agent for the Township in notification of all owners of property whose principle building is located within 150 feet of their duty to connect with and use the sanitary sewer.

#### CHANGE IN MEETING DATE - NOVEMBER BOARD OF SUPERVISORS

Mr. Shipley announced that due to the presence of voting machines in Township Hall, the November Board of Supervisor's meeting has been changed to Monday, November 10<sup>th</sup>.

Upon motion and second (D'Elia, Thorpe), the Board of Supervisors authorized the Township Secretary to advertise the change in the November meeting date for the Board of Supervisors.

#### RELEASE OF ESCROW MONIES – VARIOUS PROJECTS

After reviewing financial records for outstanding payments and review of the projects with Mr. Jensen, Mrs. Furlong recommended the release of escrow funds in the following amounts, subject to the payment of outstanding invoices:

Check Amount		
Volpe Tile	Zoning Hearing Board Escrow	\$ 700
\$ 423.66		
An-Rob, t/a Best of Italy	Zoning Hearing Board Escrow	\$ 900
\$ 784.83		
Susan Robbins	Subdivision Escrow (2002)	\$ 750
\$ 750.00		
George Mehring	Subdivision Escrow	\$4000
\$3675.00		

*MOTION TO APPROVE RELEASE OF ESCROW FUNDS*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors unanimously approved the release of escrow funds in the amounts listed above, subject to the payment of outstanding invoices.

A resident asked if the Volpe Tile sign issue is being addressed. Mr. Jensen responded that he is looking into the situation which also includes the removal of granite slabs and a banner.

Mr. Reiter briefly described the current situation concerning the subdivision of the Chase and Conner properties, both of which straddle his own property. There was discussion regarding a proposal to extend the existing roadway with Mr. Kelly commenting on the situation. Mr. Shipley suggested that Mr. Reiter speak further with Mr. Jensen and further assured Mr. Reiter that Board members will keep apprised of developments.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:47 PM.

Respectfully submitted,

MARYANN D. FURLONG,  
Township Secretary